



18351 U.S. PTO  
022404

Patent  
108607/03CIP

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 108607/03CIP  
First Named Inventor: Thomas J. Campanaro et al.  
Prior Application Information:  
Serial No. 10/376,044  
Examiner: TBA  
Art Unit: TBA

Mail Stop: Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### FILING UNDER 37 CFR § 1.53(b)

This is a request for filing for a

continuation       divisional       continuation-in-part (CIP)

application under 37 CFR § 1.53(b) of pending prior application Serial No. 10/376,044, filed on February 26, 2003, and claims priority to U.S. Provisional Applications Nos. 60/469,283, filed on May 9, 2003, and U.S. Application No. 60/482,199, filed on June 23, 2003, by:

Thomas J. Campanaro, Joy L. Campanaro, Larry Westfall  
and Douglas Dale McMurray entitled:

### EXERCISE DEVICE AND METHOD OF USING SAME

The entire disclosure of the pending prior application Serial No. 10/376,044 is considered a part of the disclosure of the accompanying continuation-in-part application and is hereby incorporated by reference.

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#### CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to Mail Stop: Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EL 361 351 882 US  
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February 24, 2004  
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108607.000003/452363.01

Karen M. Cruz  
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KMC  
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22389 U.S. PTO  
10/785541  
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**I. APPLICATION ELEMENTS ENCLOSED**

325 Page(s) of Written Description  
3 Page(s) of Claims  
1 Page(s) of Abstract  
21 Sheet(s) of Drawings  formal  informal  
Page(s) of  Declaration or  Declaration and Power of Attorney  
     Copy from prior application [37 CFR §1.63(d)]  
     Newly executed  
Other:  
 Assignment papers (cover sheet and documents(s))  
 An Information Disclosure Statement, PTO 1449,  with copies of cited items.  
 Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35  
 Preliminary Amendment

**II. FEE CALCULATION**

Applicant claims small entity status under 37 CFR 1.27.

<b>BASIC FILING FEE:</b>						\$770.00
Total Claims	17	-	20	=	0	x \$18.00
Independent Claims	1	-	3	=	0	x \$84.00
Multiple Dependent Claims	\$280.00	(if applicable)				\$0.00
<b>TOTAL OF ABOVE CALCULATIONS</b>						\$770.00
Reduction by ½ for Filing by Small Entity.					<input checked="" type="checkbox"/>	\$385.00
Misc. Filing Fees (Recordation of Assignment)						\$0.00
Petition to Make Special						\$0.00
<b>TOTAL FEES DUE HEREWITH</b>						\$385.00

**III. PRIORITY - 35 USC § 119**

Priority of applications Serial No. 60/469,283, filed on May 9, 2003, and U.S. Application No. 60/482,199, filed on June 23, 2003, in U.S. is claimed under 35 USC § 119

The certified copy has been filed in prior U.S. application Serial No. \_\_\_\_\_ on \_\_\_\_\_.  
 The certified copy will follow.

**IV. AMENDMENTS**

- Cancel in this application original Claims \_\_\_\_\_ before calculating the filing fee. (At least one original independent claim must be retained for filing purposes if no new claims are added in a preliminary amendment.)
- A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

**V. RELATE BACK - 35 USC § 120**

- Relate back information included in preliminary amendment or specification.
- Please amend the specification as follows:
- With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are) [37 CFR 1.53(b)(1)]:
  - the same.
  - less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted [see 37 CFR §§1.33(b) AND 1.63(d)(2)]:

**VI. METHOD OF PAYMENT OF FEES**

- Attached is a check in the amount of \$385.00.
- Charge Procopio, Cory, Hargreaves & Savitch's Deposit Account No. 50-2075 in the amount of \_\_\_\_\_.
- Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR § 1.16(e) can be paid subsequently.]

## VII. AUTHORIZATION TO CHARGE ADDITIONAL FEES

The Commissioner is hereby authorized to credit Procopio, Cory, Hargreaves & Savitch's Deposit Account No. 50-2075 for any over payment of fees and to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. 50-2075:

- 37 CFR § 1.16 (Filing fees and excess claims fees)
- 37 CFR § 1.17 (Application processing fees)
- 37 CFR § 1.21 (Assignment recordation fees)

## VIII. POWER OF ATTORNEY & CORRESPONDENCE ADDRESS

- The power appears in the original papers in the prior application.
- The power does not appear in the original papers, but was filed on \_\_\_\_\_ in prior application Serial No. \_\_\_\_\_.
- A new power has been executed and is attached.

Please send all correspondence to Customer Number 27189:

PROCOPIO, CORY, HARGREAVES  
& SAVITCH  
**27189** 530 B Street, Suite 2100  
San Diego, CA 92101-4469  
(619) 238-1900

Please direct all inquiries to Stephen C. Beuerle, at the above Customer Number.

## IX. MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION

- A petition, fee and response has been filed to extend the term in the pending prior application until \_\_\_\_\_. A copy of the petition for extension of time in the prior application is attached.
- A conditional petition for extension of time is being filed in the pending prior application. A copy of the conditional petition for extension of time in the prior application is attached.

**X. ABANDONMENT OF PRIOR APPLICATION**

Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item V above.

Respectfully submitted,

PROCOPIO, CORY HARGREAVES  
& SAVITCH LLP

Dated: February 24, 2004

By:



Stephen C. Beuerle  
Reg. No. 38,380